

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 24
Entered: 17 April 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

TIMOTHY W. LOVENBERG,
AND WAI-PING LEUNG
Junior Party
(Patent 7,151,200),

v.

HIDEHITO KOTANI,
KAZUHIKO TAKAHASHI, AND
HIROAKI SUWA,
Senior Party
(Application 10/482,464)

Patent Interference No. 105,663
(Technology Center 1600)

Before SALLY GARNER LANE, SALLY C. MEDLEY, and MICHAEL P. TIERNEY,
Administrative Patent Judges.

LANE, *Administrative Patent Judge.*

Judgment– Merits – Bd. R. 127

1 Priority statements were due to be filed on 14 April 2009. (Stipulated Extension of
2 Time, Paper 19 at Appendix). Senior party Kotani filed a priority statement. (Paper 21).
3 Junior party Lovenberg did not file a priority statement.¹

4 When a junior party does not file a priority statement and does not provide
5 sufficient reason for failing to do so, it is appropriate to enter judgment against it.
6 Bd. R. 204(a) (3).

7 It is

8 **ORDERED** that judgment on priority as to Count 1 (Paper 1 at 4), the sole
9 count of the interference, is entered against junior party Lovenberg;

10 **FURTHER ORDERED** that claims 1-3 of Lovenberg patent 7,151,200,
11 which claims correspond to Count 1 (Paper 1 at 4), be CANCELLED, 35 USC § 135(a);

12 **FURTHER ORDERED** that a copy of this judgment shall be entered into
13 the administrative record of Lovenberg patent 7,151,200 and Kotani application
14 10/482,464; and

15 **FURTHER ORDERED** that the Kotani priority statement (Paper 21) be
16 expunged from the record.

¹ By agreement, the parties did not seek authorization to file any non-priority motions. (Order-Priority Times, Paper 17 at 1). The parties have filed a settlement agreement. (Submission of Settlement

1 cc (via electronic mail):
2
3 Attorney for Lovenburg:
4
5 Joseph Lucci, Esq.
6 Woodcock Washburn LLP
7 Cira Centre, 12th Floor
8 2929 Arch Street
9 Philadelphia, PA 19104-2891
10
11 Tel: 215-568-3100
12 Fax: 215-568-3439
13 Email: lucci@woodcock.com
14
15 Attorney for Kotani:
16
17 Debra A. Shetka, Esq.
18 Janis K. Fraser, Esq.
19 Fish & Richardson
20 3300 RBC Plaza
21 60 South Sixth Street
22 Minneapolis, MN 55402
23
24 Tel: 916-765-7222
25 Fax: 612-335-5070
26 Email: Shetka@fr.com
27 Email: Fraser@fr.com
28